APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,458	07/10/2001	Kuriacose Joseph	2050.001US4	9044

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EXAMINER
BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
2424	

NOTIFICATION DATE	DELIVERY MODE
05/29/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@slwip.com
scape@slwip.com

	Application No.	Applicant(s)
Office Action Summary	09/903,458	JOSEPH ET AL.
	Examiner	Art Unit	
	REUBEN M. BROWN	2424	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>2/24/09</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-9</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-9</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date. <u>10/20/05, 2/24/09</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 10/20/08 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to the claims have been considered but are moot in

view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wendorf,

(U.S. Pat # 5,469,431), in view of Bennington, (U.S. PG-PUB # 2008/0178222 A1) and

Beaudry, (U.S. Pat # 5,524,001).

        Considering claim 1, the claimed distributed computing system, comprising *a source of*

a data stream providing a series of time division multiplexed packets, ones of which contain

auxiliary data that represent a video program, and others of which represent a distributed

computing program' Wendorf teaches a transmission system 10 that provides time multiplexing

of audio/video programming, teletext data and services, see Fig. 2; col. 4, lines 65-67; col. 6,

lines 35-50. As for the claimed *'distributed computing application'*, Wendorf teaches that other

services may be multiplexed to the user, in particular Wendorf teaches that the time multiplexed

signal (see Fig. 2; col. 6, lines 35-48) may include audio data & video data, as well as auxiliary

data & teletext data that may be related to the audio data & video data (see, col. 5, lines 1-6).

However, Wendorf does not explicitly state that any of the services would include executable

code, i.e., a computing application.

        Nevertheless Bennington, which is in the same field of endeavor of providing video

programming and other services to end users, discloses a system that transmits regular TV

programming, as well as a software for implementing an EPG on a receiver 12, which reads on

the claimed *'distributed computing application'*, see Para [0066-0071]. It would have been

obvious for one of ordinary skill in the art at the time the invention was made, to modify

Wendorf with the feature of transmitting the software for implementing an EPG at an end user

site, for the desirable improvement of enhancing the services available to the instant end user, via

a TV set, as taught by Bennington, Para [0078, 0093-0097]. The interactive EPG of Bennington,

see Para [0115] meets the claimed '*distributed computing application*'.

       '*wherein the e distributed computing application is repetitively transmitted independent*

of receiving client computer apparatus during times that the video program is transmitted',

Wendorf provides a discussion that the global channel map tables may be cyclically updated,

which is different from any of the content data (such as teletext data or auxiliary data) being

cyclically transmitted or repetitively transmitted, see col. 7, lines 54-61; col. 8, lines 1-65.

       However, Beaudry provides a further teaching of cyclically transmitting packets of the

content data itself, instead of merely the channel map table, see Abstract; col. 4, lines 1-30; col.

5, lines 29-61. Cyclically transmitting the content data in Beaudry corresponds with cyclically

transmitting any section of the content data in Wendorf. It would have been obvious for one of

ordinary skill in the art at the time the invention was made, to modify Wendorf with the

technique of cyclical/repetitive transmission of the content data, independent of receiving client

computer during times that the video program is transmitted, at least for the desirable advantage

of allowing each packet or group of packets to have their own cycle and lifetime, as taught by

Beaudry, see col. 2, lines 51-67.

       '*a client computer, which includes a packet selector connected to the source for selecting*

and directing packets containing the auxiliary data representing the video program to a video

signal processor and selecting & directing packets containing the associated distributed

application to a further processor'; 'such that the further processing includes a means to

assemble the distributed computing application and execute the distributed computing

application to form an interactive video program' reads on the combination Wendorf, col. 4,

lines 16-30 & col. 8, lines 51-65; Bennington, (Fig. 1; Para [0067]) and Beaudry (col. 5, lines 15-

45). In particular, Wendorf discusses that after the RF signals are demultiplexed by

demultiplexor 64, appropriate signals are processed by the decoder 66, if required. Furthermore,

Bennington (Fig.1; Para [0066-0075] discloses that regular video signals are sent to the tuner 28,

whereas the data stream that carries the EPG, is received by the 75 MHz receiver 12 and gets

further processing by the microcontroller 16, etc. Moreover, Beaudry discusses that under

control of the local processor 64, the subscriber terminal 62 detects the identifier bytes of the

received packets and the reference bytes of their successive packets. The subscriber terminal 62

of Beaudry then assembles the appropriate packets for display.

Considering claims 2-3, *'wherein the further processor includes a graphics adapter'*,

reads on the receiver system 50 of Wendorf that decodes and presents the menu screens, etc., see

col. 4, lines 25-45 & col. 4, lines 1-25. Furthermore, the Video Display Generator 23, which

includes an RGB Video Generator 24 & a Video Overlay Device 25 of Bennington, meets the

claimed subject matter, Para [0075-0076].

Considering claim 4, the claimed subject matter reads on the sound system in both

Wendorf & Bennington that presents video along with its associated audio.

Considering claim 5, the claimed, *'memory for storing program controls and selector code'*, reads on the memory 84 of Wendorf, col. 8, lines 12-21; col. 8, lines 66-67. Also see Bennington, Para [0067-0073].

Considering claim 6, the claimed distributed computer system, comprising elements that corresponds with subject matter mentioned above in the rejected in claim 1, is likewise rejected. As for the additional features of the first, second and third ones of the packets containing data representing and indicating, executable code; a data module and auxiliary data, respectively. The claimed subject matter is met by Wendorf col. 6, lines 35-49; Bennington teaches transmission of EPG data, i.e., executable code.

Considering claim 7, the claimed distributed computer system, comprising elements that corresponds with subject matter mentioned above in the rejected in claims 1 & 6, is likewise rejected. As for the additionally claimed feature of a *'directory module'*, the claimed subject matter reads on the Service Map discussed in Wendorf, col. 5, lines 49-65; col. 6, lines 35-51.

Considering claim 8, the computer system comprises elements that correspond with subject matter mentioned above in the rejection of claims 6-7, and is likewise treated.

Considering claim 9, the claimed distributed computer system, comprising elements that corresponds with subject matter mentioned above in the rejected in claims 1 & 7, is likewise

rejected. The claimed *'input terminal for receiving a packet data stream including packets of video signal time multiplexed with packets of data representing a distributed computing application'* corresponds with subject matter recited in the rejection of claim 1 & claim 8, and is likewise treated.

'data stream receiver, coupled to the input terminal for receiving the data stream, providing separate streams of the video signal.. ', reads on the demux 64, Wendorf, col. 4, lines 16-40.

As for the, *'read/write memory coupled to system bus coupled between the data stream receiver and the system bus, for receiving extracted distributed computing application responsive data and storing in the read/write memory'*, the claimed subject matter reads on the memory 84, see col. 8, lines 15-66 of Wendorf. The claimed *'processor for controlling the data stream'*, reads on the controller 82, col. 8, lines 9-20 & Fig. 1. Also, Bennington, Para [0067-0073], which reads on the claimed subject matter.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A)   Thomas   Teaches repetitively transmitting teletext data, see (col. 3, lines 56-68 thru col. 4, lines 1-20).

Any response to this action should be mailed to:

> Commissioner for Patents
> P.O. Box 1450
> Alexandria, VA 22313-1450
> www.uspto.gov

> **or faxed to:**
> (571) 273-8300, (for formal communications intended for entry)
> **Or:**
>> (571) 273-7290 (for informal or draft communications, please label
>> "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Reuben M. Brown/
Patent Examiner, Art Unit 2424